IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 21171 of 2004

Between:

Sakhileti Krishna, S/o. Appa Rao, Hindu, Trust Board Chairman
of Sri Venugopala Swamyvari Temple, Satyavaram, Payakaraopeta Mandal,
Visakhapatnam District.

..... PETITIONER

AND

1 The Commissioner of Endowments, Government of A.P., Hyderabad.
2 The District Collector, Visakhapatnam.
3 The Revenue Divisional Officer, Narasipatnam, Visakhapatnam.
4 The Mandal Revenue Officer, Payakaraopeta Mandal, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any writ, order or direction particularly a writ in the nature of MANDAMUS directing the respondents not to acquire Sri Venugopalaswamivari temple land of Ac. 3-30 cents in Sy.No. 4 of Satyavaram Village for any purpose by declaring the action of the respondents as arbitrary, illegal and violative of articles 14, 21 and 25 of the Constitution of India with all consequential and attendant benefits.

Counsel for the Petitioner:MR.B.M.PATRO

Counsel for the Respondent No.1: GP FOR ENDOWMENTS

Counsel for the Respondents 2 to 4:G.P. FOR REVENUE.

The Court, at the stage of admission, made the following :

ORDER

The main grievance of the petitioner is that the land to an extent of Ac.3-30 cents in Survey No.4 of Satyavaram Village which belongs to the Venugopalaswamyvari temple is occupied by some local persons by raising huts thereon claiming themselves to be beneficiaries with the help of respondents 2 and 3 and without there being any acquisition proceedings, though there is alternative land available, the respondents are trying to acquire the land in question with a view to alienate the same to the illegal occupants.

In the absence of any notification issued proposing to acquire the lands in question, the submission made by the learned counsel for the petitioner that inspite of availability of alternative land, the respondents have chosen the lands in question for acquisition and fixing the market value of the same at Rs.45,000/- as against the market value of Rs.5,00,000/- cannot be gone into by this Court. The further submission of the learned counsel for the petitioner is that some of the beneficiaries who are likely to be awarded house site pattas in respect of the land in question are already started encroaching into the land. If that be the case, the proper remedy for the petitioner is to approach the competent Civil Court to safeguard his rights in respect of said land. The petitioner is also at liberty to file a petition under Section 5-A of the Land Acquisition Act as and when notification is issued acquiring the land in question. The writ petition is premature.

With the above observations, the writ petition is dismissed at the stage of admission. No order as to costs.

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A. GOPAL REDDY. J.

19th November, 2004

tsr.

To

1 The Commissioner of Endowments, Government of A.P., Hyderabad.
2 The District Collector, Visakhapatnam.
3 The Revenue Divisional Officer, Narasipatnam, Visakhapatnam.
4 The Mandal Revenue Officer, Payakaraopeta Mandal, Visakhapatnam District.

5. Two C.C.s to Government Pleader for Endowments, High Court Buildings, Hyderabad.(OUT)

6. Two C.C.s to Government Pleader for Revenue, High Court Buildings, Hyderabad.(OUT)

7 Two C.D. copies.